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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
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Consideration of reports submitted by parties to the Convention under article 35

List of issues in relation to the initial report of Nepal

Addendum

Replies of Nepal to the list of issues*

[Date received: 2 January 2018]

* The present document is being issued without formal editing

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Background

1. The Government of Nepal (GoN) submitted its Initial Report on the Convention on the Rights of Persons with Disabilities (CRPD) to the UN (CRPD/C/NPL/1) in 2014. The Initial Report has been scheduled for consideration by the Committee on the Rights of Persons with Disabilities at its 19th session to be held from 14 February to 9 March 2018 at the UN office in Geneva. In preparation of the consideration of the report of Nepal, the Committee adopted a list of issues (CRPD/C/NPL/Q/1), with the view of supplementing the report with additional information to enable the Committee to assess the state of implementation of the rights provided for in the Convention.

2. The GoN has prepared this written response to provide additional information according to the list of issues. This response endeavors not to repeat or overlap information provided in the Initial Report to the Committee. This document reflects the actions and achievements of the GoN to protect, promote and fulfill the rights of persons with disabilities. The GoN reiterates its firm commitment to further promote and implement the CRPD in Nepal. This response has been prepared in close coordination and collaboration with the relevant Ministries, stakeholders and civil society organizations.

A. Purpose and general obligations (arts. 1–4)

Issue 1: Please inform the Committee when the State party envisages to adopt and to fully implement the draft bill aimed at replacing the Disabled Persons Welfare Act (1982) and at eliminating derogatory terms such as "dull, crippled, lame, handicapped with one leg broken, handicapped with one hand broken or a feeble minded" which continue to be used in the existing definition of disability. Please also explain if the draft bill intends to modify the definition of disability in line with the human rights model of disability enshrined in the convention (para. 18).

3. Nepal has enacted the Disability Rights Act, 2017 (DRA) repealing the Disabled Persons Welfare Act, 1982 (DPWA). The DRA defines the disability in Annex related to Section 3 in line with the human rights model enshrined in the CRPD. The DRA recognizes diversity within disability, eliminates the derogatory words, and criminalizes the use of such words towards persons with disabilities. It may be recalled that the GoN had already adopted Directives in 2006 that amended the then existing definition of disability of DPWA.

Issue 2: Please specify which "domestic legislation" is subject to revision in the State party to ensure that it fully complies with the Convention (para. 17), and inform on the progress that has been made so far. Please explain the mechanisms and systems that have been put in place in order to address the challenges that the State party faces in enforcing legal provisions in favour of persons with disabilities (para. 31)

4. The Constitution of Nepal promulgated in 2015 incorporates universal human rights in line with international human rights instruments. The Constitution aims at building a just, equitable, prosperous and inclusive society. The Constitution guarantees equality and non-discrimination and prohibits any form of discrimination, including those on the basis of disability. It ensures participatory democracy and inclusion of all sections of societies, including persons with disabilities. The Constitution protects the rights of persons with disabilities that include the right to education, right to participation in the State institutions based on the principle of inclusion, right to access to public services and benefits, and right to social security.

5. The regulation relating to the rights of persons with disabilities, legislation relating to the rights of the child, legislation relating to the elimination of gender based violence are at different stages of revision. The GoN is also revising National Policy and Plan of Action on Disability (NPPAD), 2006 that will further facilitate implementation of CRPD and DRA.

Issue 3: With regard to the issuing of disability identity cards (para 21), please explain how the four different categories of disabilities are assessed and how they comply with the human rights model of disability enshrined in the convention.

6. The GoN issues four types of color-coded disability identity (ID) cards to persons with disabilities on the basis of severity of disability i.e. (1) Red-colored card for Profound, (2) Blue-colored card for Severe, (3) Yellow-colored card for Moderate, and (4) White-colored card for Mild level of disability. Disability ID Card Distribution Directives, 2008 has included a list of documents and procedures to apply and obtain disability ID card.

7. At the district level, an ID Card Recommendation Committee that consists of Assistant Chief District Officer, Medical Doctor, Women Development Officer and a representative from Disabled People Organizations (DPOs) reviews application and recommends for the issuance of ID card. The Directives provide for a Monitoring Committee that ensures that each eligible person gets an ID card, while preventing the misuse by ineligibles. A Grievance Handling Committee headed by the Chief District Officer (CDO) reviews appeals and grievances related to the distribution of ID cards. Fraudulent acquisition of ID card is punishable under the DRA.

8. While the above arrangements comply with the provisions of the Convention, Nepal's practices of identifying and distributing the ID card are guided by the human rights principles such as respect for difference and acceptance of persons with disabilities as part of human diversity; recognition of persons with disabilities as a right holder; and assurance of their participation and inclusion.

Issue 4: Please inform the Committee of the measures taken to ensure that the denial of reasonable accommodation is acknowledged as a form of discrimination. Please provide information on the legal avenues and remedies that are available to persons with disabilities to challenge discriminatory laws and practices. Please indicate the percentage of successful claims and provide information on the nature of such remedies. Please provide information on the percentage of the overall number of human rights cases adjudicated by national courts that involve violations of the rights guaranteed under the Convention.

9. Section 8 (4) of the DRA categorically acknowledges the denial of reasonable accommodation as a form of discrimination. The GoN has adopted accessibility guidelines and standards to implement the reasonable accommodation provision. Sections 51 and 52 of DRA provide for the recourse of legal remedies for its enforcement. In a broader framework, the Constitution in Article 46 provides constitutional remedies for the enforcement of fundamental rights including challenging discriminatory laws and practices.

10. The Supreme Court of Nepal (SC) has passed judgments on cases upholding the spirit of 'reasonable accommodation'. Some of the successful cases are:

(a) *Prakash Mani Sharma Vs. Government of Nepal*. In this case, the Supreme Court issued mandamus against the GoN on May 8, 2007 to ensure accessibility in public infrastructure.

Issue: Protection of Social Justice for the Persons with Disabilities – Ensuring Accessibility in Public Infrastructures.

(b) *Raghab Bir Joshi and Kalpana Shakya Vs. Government of Nepal*. In this case, the Supreme Court issued a Directive Order for the amendment and improvement in the Motor Vehicles and Transport Management Act, 1993 (Article 47(e)) and preparation of action plan for ensuring this right.

Issue: Issuing driving license to Persons with Deafness and Hard of Hearing Disability.

(c) *Prakash Mani Sharma on behalf of Pro Public Vs. Government of Nepal*. In this case, the Supreme Court issued an order of mandamus on April 16, 2008 against the Ministry of Education to ensure/fulfill the claim.

Issue: Sign language facilities for people with Deafness and Hard of Hearing disability and establishment of inclusive schools and higher educational institutions across the country.

Issue 5: Please inform the Committee on the measures that the State party has taken to ensure the full and equal participation of persons with disabilities, in particular the most underrepresented groups of persons with disabilities, in decision making processes, including in legislative processes.

11. Nepal has adopted a number of measures to ensure the full and equal participation of persons with disabilities in all walks of life. The Constitution of Nepal in Article 84 (3) has made it mandatory for the political parties, while fielding their candidates for the election of the House of Representatives (Lower House of the Parliament), to include persons with disabilities. Article 86 (2) (a) provides for the representation of persons with disabilities from each State in the National Assembly (Upper House of the Parliament). Reiterating the constitutional provisions, the Supreme Court of Nepal has ordered the GoN and the Election Commission to include persons with disabilities as candidates for elections to be held under proportional representation (*Birendra Pokharel vs. GoN, 2017*).

12. Further, the DRA ensures the right to political participation of the persons with disabilities, right to file candidacy and right to vote on an equal footing with others (Section 11). Similarly, the DRA also ensures participation of organizations representing different categories of persons with disabilities in the national level Steering Committee and local level Coordination Committee to be formed in each Village Body and Municipalities, which are entrusted with the responsibility of overall coordination for the protection of rights and interest of persons with disabilities (Sections 38 and 42). The GoN has been supporting programmes including the Community-Based Rehabilitation programme (CBR) that also support to promote and ensure participation of persons with disabilities in decision-making process at all levels.

B. Specific Rights (arts. 5–30)

Equality and non-discrimination (art. 5)

Issue 6: Please inform the Committee of the measures taken to establish a comprehensive anti-discrimination legislation framework, which includes disability as a prohibited ground for discrimination, and an independent anti-discrimination monitoring body. Please inform the Committee of the measures that have been adopted to address multiple and intersectional discrimination faced by the persons with disabilities, including on the basis of caste, ethnicity and indigenous identity.

13. The Constitution has enshrined the right to equality and non-discrimination as fundamental rights of all citizens. No discrimination may be made in the application of general laws on the grounds of, inter alia, physical conditions, condition of health, disability or similar other grounds (Article 18 (2)). It also provides the persons with disabilities right to social justice to participate in the State bodies on the basis of inclusive principle (Article 42). The DRA elaborates the anti-discrimination provision by criminalizing any discrimination against persons with disabilities (Section 8).

14. Nepal has taken various measures to address multiple and intersectional discrimination. National Human Rights Commission (NHRC) has been established as an independent national human rights institution in compliance with the Paris Principles on NHRI. Similarly, National Women Commission (NWC), National Dalit Commission (NDC) and National Muslim Commission (NMC) have been established and are actively and independently working for the participation, empowerment and development of the people belonging to those groups. These commissions also protect and promote the rights and address the issues of intersectional discrimination within their respective groups. In addition, independent constitutional commissions such as National Inclusion Commission, Indigenous Nationalities Commission, and Madhesi Commission have been created with the mandate, inter alia, to address the issues of multiple and intersectional discrimination.

Women with Disabilities (art. 6)

Issue 7: Please describe the impact of the measures taken under the Three-year interim plan (2010–2013) to ensure the full inclusion of women with disabilities in public policies and programmes, especially those designed to combat physical and sexual violence, abuse and exploitation of women and girls with disabilities. Please inform if a new action plan has been adopted to combat violence against women with disabilities following the expiry of the interim plan.

15. The National Strategy and Action Plan on Gender Empowerment and elimination of Gender Based Violence has been implemented as an umbrella policy. As envisioned by the action plan, 32 sectorial Acts have been amended to eliminate Gender Based Violence (GBV). The Domestic Violence (Offence and Punishment) (DV) Act, 2009 was amended in 2015, making some grave cases of domestic violence as State cases. Sexual Harassment at Workplace (Control) Act, 2014, National Civil Code 2017, National Criminal Code 2017 have been enacted providing measures to prevent physical and sexual violence, abuse and exploitation.

16. The GoN has established a Gender Empowerment and Coordination Unit at the Office of the Prime Minister and Council of Ministers (OPMCM) at the central level and District Coordination Committees at the district levels. In addition, the GoN has established a Gender Based Violence Alleviation Fund in all districts, hospital based one stop crisis management centres (OCMC) and service centres in 36 districts and rehabilitation centres in 10 districts in order to take preventive action and to provide urgent services and support to the victims of GBV including people living with disabilities.

17. Local authorities, the Nepal Police, the National Women Commission and the Courts have been implementing the DV Act and its Regulation in receiving complaints, investigation, prosecution and ensuring punishment against perpetrators. For handling the cases of Violence Against Women and Girls (VAWG) at the local level, 246 Women and Children Service Centers (WCSCs) have been established in the Nepal Police in all districts with separate women police officers responsible for handling GBV cases. The GON has been mobilizing GBV Alleviation Fund and Emergency Child Rescue Fund in all districts to provide immediate funds for rescue, and for providing medical support, legal aid, counseling and rehabilitation for survivors of GBV.

18. The continuous hearing provision of the District Court Rules, 1996 has been effectively implemented since 2013 to ensure speedy justice in cases of women victims and survivors of violence. Guidelines on in-camera hearing and maintaining confidentiality of the victims of violence has been formulated and the justice sector actors have been trained on effective implementation of such Guidelines.

19. The current 14th Plan has been further consolidating the achievements made by the then three-year plan.

Issue 8: Please provide information on the measures taken to support women and girls with disabilities, especially in the fields of education, employment and other areas of public life, and, in particular, to address intersectional discrimination, especially with reference to girls and women with intellectual or psychosocial disabilities and those from the Dalit, Madhesi, Muslim and other ethnic communities.

20. A long-term strategic programme under the School Sector Development Plan, 2016–2023 (SSDP) is being implemented to achieve the goals and objectives of ensuring quality education for all. Earlier to this, the School Sector Reform Plan, 2009–2015 (SSRP) had introduced new reforms characterized by strategic intervention such as the restructuring of school education, improvement in the quality of education, and institutionalization of performance accountability. Under the SSDP phase, policies related to the inclusive education for persons with disabilities, and higher education have been announced. Department of Education (DoE) remains effortful to increase enrollment of disabled children in school by providing different types of scholarships and incentives such as residential scholarship; device and support scholarship; transportation scholarship; and motivational scholarship. The GoN provides special scholarship and incentives to the

children from Dalit and other marginalized communities. Similarly, University Grant Commission provides scholarship targeting to students with disabilities. In regard to the employment, the GoN has introduced reservations in public services including public corporation and teachers service and also encouraged private sector to hire persons with disabilities with the provision of tax exemption incentives (detail in issue 27 below).

Children with disabilities (art. 7)

Issue 9: Please indicate the range of support services that are provided to families of girls and boys with disabilities.

21. The GoN provides a monthly welfare allowance to persons with profound and severe disabilities including the children. The profound ID card holders receive Rs 2,000 and the severe ID card holders receive Rs 600 per month. The Ministry of Women, Children and Social Welfare (MoWCSW) has provided caretaker training and income generating training to family members in some districts. The MoWCSW in consultation with DPOs is preparing a Personal Assistance Guideline to allow and facilitate more support and services to family members of children with disabilities.

Issue 10: Please indicate the time frame and concrete measures adopted by the State party "in order to ensure the full enjoyment by children with disabilities of all rights on an equal basis with other children" (para. 66). Please inform the Committee of the measures taken to ensure that the opinions and views of children with disabilities are taken into account with regards to the development of legislation, policies and other measures affecting them.

22. The MoWCSW has a dedicated Child Development Section at the national level, and Women and Children Offices at the district level for child protection and development. Through the special directive, Child Clubs have been established at the districts and schools level for carrying out various activities of child development.

23. Central and District Child Welfare Boards have been monitoring, facilitating and promoting child rights. Juvenile justice mechanism has been established in the judiciary. The GoN has created new position of Child Protection Officer / Inspector in all districts for last three years.

24. The DRA provides additional rights to the child with disabilities such as right to self-respect, right to self-dependence, right to actively engage in society and right to decent living. The DRA further provides such child with the rights to education, training, health, care service and rehabilitation services, employment preparation and recreational opportunities. The DRA also ensures such children with rights to express their opinion on the matters affecting them on equal footing with other children.

Awareness-raising (art. 8)

Issue 11: Please explain the extent to which the State party systematically includes senior public officials, politicians, the polices and members of legal profession, teachers, etc. in the training and awareness-raising initiatives it carries out to promote the rights of persons with disabilities and to combat prejudices and harmful stereotyping against such persons.

25. The GoN has supported to raise awareness on the rights of persons with disabilities. Training and awareness-raising have been major components of the government supported CBR programme. The MoWCSW carries out periodic orientation and awareness programmes to the government officials and local political leaders on the disability issues. The MoWCSW reviews the programmes annually together with all concerned stakeholders at national and local level with the aim of ensuring the quality of awareness raising and CBR services at the local level. The MoWCSW supported 156 DPOs in all districts to organize advocacy initiatives and awareness raising programmes. The MOWCSW publishes the Disability Resource Book and distributes among all stakeholders and local level authorities, NGOs and DPOs with the aim of increasing awareness on disability, rights of persons with disabilities and ways and process of accessing those rights.

Accessibility (art. 9)

Issue 12: Please provide information on the impact of the measures adopted to implement the thirteenth plan (2013–2016) to enhance accessibility for persons with disabilities and of the measures adopted to ensure that public and private sector providers offering facilities and services to the public take into account all aspects of accessibility. Specifically, please inform the Committee of the progress achieved in implementing the National Building Code, which was approved in 2005, to ensure accessibility for persons with disabilities (para. 91). Please indicate the extent to which persons with disabilities, through their representative organizations, have been involved in the monitoring and assessment of accessibility measures and plans.

26. The MoWCSW adopted the Accessible Physical Structure and Communication Service Directives for People with Disabilities, 2013 (Accessibility Guidelines) in line with the 13th Plan. It follows the principle of reasonable accommodation and provides direction towards building public infrastructures accessible. Further, the Ministry of Urban Development has adopted 'Architectural Design Requirements' to implement the National Building Code.

27. New public buildings are being constructed with accessibility features as guided by the National Building Code, Directives and accessibility guidelines. Model accessible public places are being developed in the Capital city. Public transportation services are increasingly introducing the accessibility features in the public buses such as Sajha Yatayat. Recent road construction in Kathmandu have paid attention to install tactile surfaces in the pedestrian lane to facilitate the access for blind and visually impaired people.

28. The 14th periodic plan (2014–017) has introduced programmes to further consolidate the efforts made in the past. The Plan aims at creating respectful and barrier free environment for persons with disabilities and thereby increasing access to services, entitlement and opportunity for livelihood development.

29. National Reconstruction Regulation, 2016 provides for construction of public, private and residential buildings which are accessible for persons with disabilities. National Reconstruction Authority monitors the compliance of the standards and guidelines while designing and constructing public buildings and physical infrastructure.

30. The MoWCSW provides district-level orientation to the government stakeholders related to accessible public infrastructures and also conducts accessibility audit in all the districts. The GoN has introduced mobile video call services to facilitate the communication for deaf and hard of hearing people.

31. Accessibility guideline was prepared with the involvement of National Federation of Disability Nepal (NFDN) and DPOs. These organizations are also involved in implementation and monitoring of these guidelines. Additionally, the GoN also developed a web accessibility guideline in collaboration with NFDN.

Situations of risk and humanitarian emergencies (art. 11)

Issue 13: Please inform the Committee of the extent to which the National Disaster Management Council, the National Disaster Information Management System and the Natural Calamity (Relief) Act (1982) include specific measures to ensure the protection and safety of persons with disabilities and provide information on the impact of this legislation. Please also inform the Committee of the measures taken to adopt a new strategy on disaster risk reduction, which is inclusive as regards persons with disabilities and in accordance with the Sendai Framework for Disaster Risk Reduction.

32. Nepal has enacted Disaster Risk Reduction and Management Act, 2017 (DM Act) repealing the Natural Calamity (Relief) Act, 1982. The DM Act explicitly provides for developing and implementing specific plans and programs for disaster-vulnerable groups including persons with disabilities (Section, 8 (13)).

33. The DM Act requires addressing the concerns and needs of persons with disabilities while preparing and implementing the minimum standard of relief (Section 39 (3)).

Protection strategy has set the minimum standards to address disability concerns during the disasters. DM Authority at the national level and DM bodies at the provincial and local levels ensure inclusive community-based disaster risk management with the participation of relevant stakeholders.

34. National Disaster Risk Reduction Policy and Strategic Action Plan 2017–2030 is at the advanced stage of formulation in line with the Sendai Framework for Disaster Risk Reduction.

Equal recognition before the law (art. 12)

Issue 14: Please inform the Committee of the legal and other measures that have been adopted to ensure that supported decision-making schemes are in place for persons with disabilities and eradicate any substituted decision-making regimes.

35. The GoN recognizes the importance of supported decision-making schemes for persons with disabilities in promoting well-being and human flourishing, independent living, and non-discrimination. The GoN is committed to ensure supported-decision making scheme by making legal measures for the enjoyment of fundamental rights guaranteed by the Constitution.

Access to justice (art. 13)

Issue 15: Please provide information on the nature of cases filed under Section 19 of the Disabled Persons Protection and Welfare Act, or any other provision, by persons with disabilities. Please explain how persons with disabilities are supported and are made aware of their rights to access justice on an equal basis with others. Please provide information on the measures taken to implement procedural, gender and age-sensitive accommodations in judicial proceedings.

36. The Constitution ensures access to justice to all with free legal aid services to indigent parties (Article 20). The DRA also makes provision on rights to access to justice for persons with disabilities (Section 15), including the right to free legal aid to ensure their access to justice (Section 15 (2)).

37. Nepal adopted Legal Aid Act in 1997. The Supreme Court has established Access to Justice Commission. Nepal Bar Association and other non-government organizations also run access to justice programmes. The GoN has introduced targeted programmes to provide free legal aid to the poor and vulnerable people. Such programmes include free legal aid services by the district legal aid committees and through court appointed advocates. Courts use sign language when necessary and practice gender sensitive inquiry-procedures to protect their privacy. DPOs and civil society run awareness programmes to inform persons with disabilities about their rights and justice mechanisms with a view to increase their access to justice.

Liberty and security of the person (art. 14)

Issue 16: Please provide information, including statistical data on persons with disabilities who have been deprived of their liberty on the basis of their impairment, in particular with regard to person with psychosocial disabilities, and explain the legislative and administrative measures that have been adopted to ensure that no person is institutionalised or deprived of liberty on the basis of impairment.

38. The Constitution has guaranteed that no person shall be deprived of her/his personal liberty. No person is institutionalised in Nepal on the basis of impairments. None of the existing laws and policies provides for institutionalization of people on the basis of impairment. Nepal's culture and family values strongly encourage taking care of the members with impairment within family. The GoN has adopted various schemes and programmes such as social security allowance, CBR, and reservation quotas to enable persons with disabilities live with dignity and honor in community. In particular with regard to person with psychosocial disabilities, the GoN has implemented rehabilitation and reintegration programmes in partnership with DPOs.

Freedom from exploitation, violence and abuse (art. 16)

Issue 17: Please provide information on the effective implementation of the Disabled Persons Welfare Act, which prohibits all forms of exploitation, violence and abuse against persons with disabilities.

Please r :fer to the responses to Issues 2 to 7 above.

Protecting the integrity of the person (art. 17)

Issue 18: Please inform the committee on the impact of the implementation of the National Policy and Plan of Action on Disability (2006) in safeguarding persons with disabilities, particularly those with intellectual and/or psychosocial disabilities, from being subjected to forced involuntary medical treatment including forced sterilization on the basis of their impairment. Please provide information on any other measures adopted in this regard.

39. The NPPAD provided strategic direction for government and non-governmental organizations towards supporting persons with disabilities especially those with psychosocial disabilities. The GoN has been providing resources through DPOs to implement targeted programmes to support the people with psychosocial disabilities at different stages of psychosocial counseling, treatment, rehabilitation and reintegration.

40. Forced-sterilization *per se* is outlawed in Nepal. The Ministry of Health (MoH) is currently drafting mental health law that would prohibit any form of forced involuntary medical treatment of people with psychosocial disabilities. The MoH has also included mental health medication in the list of essential drugs and is making them available from the local health facilities. Mental Health Policy of Nepal aims to promote and protect the fundamental human rights of persons with psychosocial disability. The GoN, through the MoWCSW and MoH, allocates regular budget to hospitals and support organizations for the prevention and treatment of psychosocial disability and development of appropriate human resources at grass-roots level.

Living independently and being included in the community (art. 19)

Issue 19: Please provide information on the impact of National Policy and Plan of Action on Disability, 2006 (NPPAD) in ensuring effective institutionalization of persons with disabilities. Please provide information, disaggregated by disability, sex and age, on the number of persons with disabilities who have been de-institutionalized. Please also inform on measures adopted to provide support services in the community to prevent re-institutionalization.

41. As stated in issue 16, institutionalization of persons with disabilities is not in practice in Nepal and none of policies and plans support institutionalization. With the aim of providing counseling, treatment and training on activities of daily living, some short-term living arrangements have been made particularly to the people with psychosocial disability and other vulnerable groups within disability. Once they complete counseling and treatment, they will be re-integrated at their family/community.

42. The GoN promotes CBR and provides financial support to organizations to implement CBR activities in all districts. The major aim of these CBR programmes is to provide required service to empower and mainstream persons with disabilities in the community/family rather than providing services in institution.

Freedom of expression and opinion, and access to information (art. 21)

Issue 20: Please provide information on measures, including policies, adopted to ensure access of persons with disabilities, particularly persons with visual impairment and deaf persons, to public information, including access to Web, in accessible formats such as signage, tactile, plain language, Easy Read, and in other augmentative and alternative means and modes of communication.

43. Freedom of opinion and expression is enshrined in the Constitution (Article 17). The Right to Information Act, 2007 and Right to Information Regulation, 2008 have further guaranteed the right to information to the citizens. The GoN is working on making information available in the accessible forms/formats to persons with disabilities. DPOs are also supported to prepare and publish materials in Braille, audio and other alternative accessible formats through annual financial assistance. A digital library is in operation in Prithvi Narayan Campus, Pokhara with the support of the GoN. The MoWCSW has also been supporting Radio programme (*Apanga Aawaj*: Voice of persons with disabilities). Nepali optical character recognition (OCR) has been introduced with the initiation of organisations of blind and visually impaired and the Government has supported this initiative. The GoN provides regular honorarium for sign language interpreters in 31 districts to facilitate access of deaf and hard of hearing people to information and communication. Both the national and private television channels broadcast news in sign language. The GoN has also financially supported other news media to encourage them to broadcast disability related news and activities. The GoN and development partners are increasingly using sign language interpreters in meetings, trainings, seminars and workshops.

Education (art. 24)

Issue 21: Please inform the Committee on the measures that the State party envisages to adopt in order to improve the overall enrolment of students with disabilities, particularly in primary (1.1%) and early secondary education (1.0%).

44. As mentioned in the issue 8 above, the Department of Education (DoE) has been making efforts to increase enrollment of children with disabilities in school with the provisions of different types of scholarships and incentive such as residential scholarship; device and support scholarship; transportation scholarship; and motivational scholarship to encourage enrollment and continue their school. University Grant Commission (UGC) provides targeted scholarship to female students with disabilities at university level.

45. The SSDP (2016–2022) has various provisions to increase school enrollment and retention rate of children with disabilities and develop a long-term inclusive education plan. It includes strategy for special and residential schools that will be gradually transformed to serve as resource centers of inclusive mainstream schools. The SSDP also involves strengthening diagnostic and referral mechanisms for children with disabilities and develop education resources that are adapted for children with special needs. The plan also makes provision to ensure gender and disabled friendly WASH facilities in school. The DoE and Special Education Council support to run special education, integration and inclusive education in Nepal.

Issue 22: Please provide information on the number and percentage of children with disabilities who have access to education, disaggregated by mainstream education, special classes, special schools and resource centers.

46. Currently, a total of 76,470 children with disabilities have been enrolled in school education system, out of which, 64,660 children with disabilities are in basic education school (Grade 1 to 8) while 9,746 are in secondary school (grade 9 to 12) and 2,064 children with disabilities in Early Childhood Development (ECD).

Issue 23: Please provide information on the steps that the State party has taken in order to introduce inclusive education for students with disabilities (para. 76).

47. The Education Act, 2016 (8th amendment) has made provisions to have a representative from NFDN in the National Education Council to advise on national education plans and programmes. The comprehensive Inclusive Education Policy, 2016 covers different aspects of reasonable accommodation such as teaching and learning materials development, human resource development, physical infrastructure in the universal design and maximum use of information and communication technology (ICT). Inclusive Education Section under the DoE promotes, monitors and further develops the inclusive education in the country. Tribhuvan University has also started inclusive education course at the Bachelor's and Master's level in education stream to develop relevant human resources for inclusive education.

Health (art. 25)

Issue 24: Please provide information on the measures that have been adopted to ensure affordable access to accessible health services by persons with disabilities.

48. The Ministry of Health (MoH) has assigned a focal point on disability under the Health Services Department and developed disability inclusive policies and programs. The GoN has increased disability inclusive health services in the country. It provides free essential surgical and medical services to persons with disabilities. Required therapies, medical consultations, assistive devices are also made available at the district hospitals. Early identification of disabilities and referral services are also available at the local public health facilities. Promotional and preventive activities and information regarding the health of persons with disabilities are available at the local public health facilities and relevant plan of actions aims at expanding this service. It also prioritizes children with disabilities in malnutrition alleviation programmes and women with disabilities in maternal health programmes. Moreover, the MoH is planning to make available specialized and comprehensive health care services for persons with disabilities at the provincial hospital. The Ministry has also started social health insurance scheme under which if a family of 5 members pay a nominal amount for insurance, it will lead them to receive free health care services according to the guidelines. The Government expects that this scheme will facilitate increased access to health to all, including to the persons with disabilities. National Health Policy, 2015 includes health requirement of people with disabilities as the essential health care services. The GoN has also introduced a 10-year Policy and Plan of Action for Prevention and Rehabilitation of Disability, 2017 with active participation of NFDN and member DPOs to increase affordable and accessible health services for persons with disabilities.

Issue 25: Please explain the measures that have been adopted to expand community-based rehabilitation services beyond the district level and to ensure that they are also extended to rural, remote and hard-to-reach areas.

49. The GoN has adopted a number of measures to implement CBR programmes at the local level. The MoWCSW has developed a CBR Implementation Directives with clear structures for the planning and guidance, implementation, and monitoring of the CBR from national to rural and remote areas. The MoWCSW provides grants to DPOs to implement CBR activities in selected villages of all districts. The grant is also utilized to develop human resources and mobilize them to reach out to rural and remote villages to provide CBR services. Moreover, the MoWCSW is now preparing guidelines for disability inclusive local governance, including an extended coverage of CBR in rural and remote areas.

Habilitation and Rehabilitation (art. 26)

Issue 26: Please provide information on the measures taken to ensure that rehabilitation and habilitation services are available, accessible and affordable to persons with disabilities, while comprising a range of medical, social and educational and vocational rehabilitation services both in urban and rural areas.

50. The GoN has been supporting, under the public private partnership program, seven physical rehabilitation centres (PRC) that provide assistive devices and related services at affordable price at the nearest locations. The services from PRC include physiotherapy and occupational therapy and training for activities on daily living (ADL) skills and accessibility. The CBR activities supported by the GoN create linkages between needy people and PRC with a provision of referral and information sharing. CBR also includes vocational training, ADL training, savings and credit schemes and income generating support for people with disabilities and their families in rural areas. Additionally, the MoH has also made available medical rehabilitation services from zonal and regional hospitals in Pokhara, Nepalganj and Biratnagar. The ten-year policy and plan of action on prevention and rehabilitation of disability also aims at expanding the services at district level hospitals.

Work and employment (art. 27)

Issue 27: Please inform the Committee of the effectiveness of the Disabled Protection and Welfare Act in creating employment by eliminating discrimination against persons with disabilities.

51. The DPWA had a provision on equality, non-discrimination and special reservations on employment for people with disabilities. The Civil Service Act, 1992 has provided 45 percent reservation for socially and economically excluded and marginalized groups, out of which 5 percent has been allocated for persons with disabilities. Similar reservation quotas have been allocated in other public employment opportunities. In addition, as part of the effort to increase employment of persons with disabilities, the GoN grants tax exemption up to 20% in the taxable amount to the private enterprises that employ persons with disabilities (Income Tax Act, 2001).

Issue 28: Please provide information on the effectiveness of the 5 per cent quota system for employment as it applies to different groups, together with data on the employment status of persons with disabilities, disaggregated by sex, age, disability type and educational level.

52. The Public Service Commission (PSC) announces vacancy for government services with the quotas for targeted groups under the Civil Service Act, 1992. So far, a total of 626 persons with disabilities have joined civil services since the introduction of the quota system in 2007/08. Eighty-one persons with disabilities (about 5 % of the reserved quotas) joined the civil services in 2016/017 (Annual report of PSC, 2016/017). Introduction of the quota system has resulted in significant increase in the participation of persons with disabilities in the public sector employment, including in civil services.

Adequate standard of living and social protection (art. 28)

Issue 29: Please inform the Committee of the measures taken to address poverty among persons with disabilities and to mainstream disability in poverty-reduction strategies.

53. Ministry of Cooperative and Poverty Alleviation has adopted various substantive measures for poverty reduction. The Poverty Alleviation Fund and Co-operative Scheme have launched programmes to reduce poverty among persons with disabilities. The 14th Plan has set a goal to decrease poverty to 17% by 2019 from 21.6% in the year 2017 through various measures. It incorporates various strategies to provide appropriate vocational skill development training to persons with disabilities according to their mental and physical capacity and increase their opportunities in the employment/self-employment and access to resources.

54. To increase the quality of life of persons with disabilities, the draft NPPAD has also made provisions of vocational skill development training by ensuring reasonable

accommodation/accessibility in the training centers and workplaces. It also aims at increasing access to information and engaging with private sectors to increase employment opportunities and provide support for income generation to the families of people with profound and multiple disability. Similarly, the National Reconstruction Act and Regulation, 2015 provides for proper need assessment of marginalized people affected by the earthquake including persons with disabilities and provide appropriate training and support for income generation. Poor Household Identification and Support Programme contributes to increase access to economic resources and address poverty among persons with disabilities.

Issue 30: Please inform the Committee of the measures that have been adopted to implement the right to social protection of persons with disabilities in the State party, and the extent to which they guarantee an adequate standard of living for such persons.

55. The GoN is implementing various social security measures to enable persons with disabilities for their independent living in the society, as provided in Sections 16 and 32 of the DRA. Persons with disabilities receive monthly social security allowance (as mentioned in the response to the issue no 9), scholarship, and enjoy quota in public sector employment, reservation in medical facilities, social health insurance scheme and 50% discount in public transportation both land and air. The GoN grants 100% tax exemption on the devices, equipment and materials to be used by persons with disabilities. Income tax threshold for persons with disabilities has been extended by 50% in comparison to others.

Participation in political and public life (art. 29)

Issue 31: Please explain the effectiveness of the measures, including legislative measures that have been adopted to ensure the exercise of political rights by persons with disabilities at the local, regional and national levels. Please inform the Committee of the measures taken to repeal laws that limit the right of persons with disabilities to participate. Please also inform the Committee of the measures to make electoral processes and voting procedures accessible to persons with disabilities, including in accessible languages and formats such as Braille, sign language and Easy Read.

Please refer to the response to issue no 5.

56. In addition, the election laws provide for accessible and usable polling booths and ballot boxes to persons with disabilities and senior citizens. Persons with disabilities may cast vote with the help of their family members or a polling staff whom they trust. The Election Commission has also developed voter awareness and education materials in alternative and accessible format including in sign language and Braille.

Participation in cultural life, recreation, leisure and sport (art. 30)

Issue 32: Please inform the Committee of the measures taken to eliminate sociocultural and environmental barriers that hinder the inclusion of persons with disabilities in cultural life, recreation and sport. Please provide information on the steps being taken to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

57. The legal framework prohibits any kind of socio-cultural discrimination against persons with disabilities. The DRA also provides for support to persons with disabilities to actively participate in various sporting events (Section 34). The GoN has adopted various measures to ensure inclusion of persons with disabilities in cultural and recreational activities and sports. The Ministry of Youth and Sports and the National Sports Council of Nepal support organization of inclusive sports. The GoN, in coordination with the Paralympic Committee Nepal, regularly sends Nepali Paralympians to participate in the Paralympic Games globally. The MoWCSW also provides financial assistance to DPOs to organize sports and recreational activities targeting to persons with disabilities such as blind crickets and wheelchair basket ball.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

Issue 33: According to information before the Committee, the National Living Standards Survey 2010/11 showed that 3.6 percent of all people in the State party had some kind of disability, while the National Population and Housing Census 2011 reported a figure of about two percent (1.94%, 513,321). Please provide information on the methodology used to collect data on persons with disabilities and to ensure appropriate disaggregation of data on the basis of sex, age, ethnicity, indigenous identity and location. Please inform the Committee of the extent to which such data is used to formulate disability policies in the State party. Please also inform the Committee of the measures envisaged to enable use of the Washington Group Short Set of Questions on Disability in censuses and household surveys.

58. The Nepal Living Standards Survey 2010/11 (NLSS-III) was the third round of the survey conducted by the GoN/CBS as a follow up of the previous two rounds in 1995/96 and 2003/04. All the three surveys followed the Living Standards Measurement Survey (LSMS) methodology. NLSS-III enumerated 7,020 households, of which 5,988 households are from the cross-section sample and the remaining 1,032 are from the panel sample. The National Population and Housing Census 2011 was a detail census that incorporated disability related questions as well. The individual form 1 contained questions related to type of disability, caste, ethnicity, sex and literacy rate. A special training manual on disability was developed to train the census enumerators and other staff. A total of 41,000 (31,000 enumerators; 7,900 supervisors; 1,100 district office staff; 278 area census supervisors and 80 district census officers) were mobilized to collect data. The census staffs were provided with the manual where disability disaggregated data collection methods were highlighted. Of the total persons with disabilities (about 2 % of the total population); the following table presents disaggregated data related to types of disability:

S.N	*Type of disability*	*% of the disabled population*
1	Physical disability	36.3
2	Blindness/Low vision	18.5
3	Deaf/Hard of hearing	15.4
4	Speech problem	11.5
5	Multiple disabilities	7.5
6	Mental disability	6
7	Intellectual disability	2.9
8	Deaf-Blind	1.8

International cooperation (art. 32)

Issue 34: Please provide information on the measures taken to ensure that persons with disabilities, through their respective organisations, participate at all stages of international cooperation development programmes, particularly in the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

59. The GoN has ensured active participation and engagement of persons with disabilities and their representative organizations in development programmes. Nepal has started implementing the SDGs and has set up national goals that would leave no one behind. The NPC has prepared a SDG Voluntary Review: Eradicating Poverty and Promoting Prosperity in Nepal based on Nepal's SDGs baseline report in consultation with civil society including DPOs. The report provides an update of the status of SDG implementation in Nepal up to May 2017. The Voluntary Review has reinforced the need to pay special attention to disaggregating targets and indicators at sub-national level, by sex, age, social group and disability. The GoN has recognized civil society as an important partner for implementing the SDGs. Civil society is also involved in SDGs awareness raising and advocacy, in alignment with national programmes. The NFDN and DPOs have

also been actively participating in the SDGs processes. Civil society has established a SDGs Discussion Forum, recognizing persons with disabilities as one of 23 priority areas.

National implementation and monitoring (art. 33)

Issue 35. Please specify which entity has been appointed as the focal point for the implementation of the Convention and whether there is a coordination mechanism in the State party. Please inform the Committee of the measures taken to ensure the monitoring of the Convention by an independent monitoring mechanism established in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) as adopted by the General Assembly in its Resolution 48/134.

60. The Office of the Prime Minister and Council of Ministers (OPMCM) has been mandated for overall coordination and monitoring of implementation of the international human rights instruments to which Nepal is a party, including CRPD.

61. The Ministry of Women, Children and Social Welfare (MoWCSW) serves as the focal agency for the implementation of the CRPD. It coordinates and implements, as appropriate, the measures to protect and promote disability rights. A 20-member National Steering Committee chaired by the Minister at the MoWCSW, consisting of representatives of relevant ministries and DPOs coordinates the activities at the central level. Similarly, central CBR steering committee led by the Secretary at the MoWCSW coordinates CBR and disability programmes throughout the country. Additionally, each Local Level has a coordination committee responsible for the coordination of the activities related to the rights and interests of the persons with disabilities.

62. The National Human Rights Commission (NHRC), as mandated by the Constitution, has been monitoring implementation of the Convention as an independent monitoring mechanism. In addition, NWC, NDC and NMC also monitor and promote disability rights from intersectional perspective. Further, National Inclusion Commission is entrusted also to promote inclusion of marginalized groups including persons with disabilities.